

CWC INDUSTRY INSPECTION PREPARATION HANDBOOK



Chemical Weapons Convention Inspections of U.S. Industrial Facilities

DEPARTMENT OF COMMERCE
Bureau of Export Administration
Office of Nonproliferation
Controls and Treaty Compliance

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PREFACE

This handbook is designed to be used by United States industrial facilities subject to verification activities under the Chemical Weapons Convention Regulations (CWCR). The information, guidance, and briefings are intended to assist Schedule 1, 2, 3 and unscheduled discrete organic chemicals facilities in planning and preparing for inspections of their declared facilities. This handbook, used in conjunction with the CWCR and Department of Commerce outreach materials and assistance, provides a reference for all phases of the planning, preparation, inspection, and post-inspection processes associated with inspection of declared chemical facilities.

Department of Commerce
Bureau of Export Administration
Treaty Compliance Division, Suite 301
16210 North Kent Street
Arlington, VA. 22209
Telephone: (703) 605-4400
Facsimile: (703) 605-4425

Recommended changes to this handbook should be submitted to the above address.

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HOW TO GET HELP

U.S. GOVERNMENT POINTS OF CONTACT

**Department of Commerce
Bureau of Export Administration
Office of Nonproliferation Controls and Treaty Compliance Treaty
Compliance Division
Suite 301
1621 North Kent Street
Arlington, VA 22209**

Questions concerning Site Assistance Visits, Advance Team visits, inspection notification and inspections should be directed to:

Inspection Management Team (703) 605-4400
Fax (703) 605-4425

Questions concerning declarations, reports, chemical determinations, and site geographical locations should be directed to:

Information Technology Team (703) 235-1335
Fax (703) 235-1481

Information is also available on the World Wide Web at **www.cwc.gov**

FOREWORD

It is assumed that you have submitted declarations as required by 15 CFR 712-715 and that your facility or plant site is subject to inspection. This handbook is designed to assist you in preparing for inspections. The information in this handbook is intended for guidance purposes only; there is no requirement to comply with the suggestions presented. The intent is to aid you in your efforts to comply with the CWCR. For a complete description of your obligations, refer to the CWCR in 15 CFR 710 – 722 and 22 CFR 103.

The most important steps you can take to prepare for an inspection are:

- ◆ Understand and verify your data declaration
- ◆ Have available the records used to complete your data declaration
- ◆ Develop a comprehensive Pre-Inspection Briefing
- ◆ Identify Confidential Business Information

There are other issues such as legal, logistics, public affairs, and security you may need to address. This handbook contains guidelines to assist you through all phases of inspection preparation and the inspection itself. This handbook assumes you have a working knowledge of the CWCR.

The Department of Commerce Bureau of Export Administration (BXA) will lead and host the inspections at your site in concert with your facility. The BXA focus is to protect confidential business information that is disclosed to the U.S. Government, to the OPCW, or other States Parties, to the maximum extent permitted by law and to minimize the cost impact of the inspection on facility operations while demonstrating compliance with the CWC.

Assistance is available from the U.S. Government. A team of experts will come to your site, at your request, to assist you in your preparations. BXA will prioritize requests based on anticipated inspections. If you have any questions do not hesitate to call BXA (See HOW TO GET HELP).

DEFINITIONS

Advance Team (AT) – A U.S. Government team that is dispatched to the identified inspection site upon notification to assist the site in preparing for the inspection.

Chemical Weapons Convention (CWC or Convention) – The Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

Chemical Weapons Convention Regulations (CWCR) – The Department of Commerce regulations contained in 15 CFR Parts 710 through 722, and the Department of State regulations contained in 22 CFR Part 103.

Facility – Any plant site, plant or unit.

Facility Agreement (FA) – A written agreement or arrangement between a State Party and the Organization for the Prohibition of Chemical Weapons (OPCW) relating to a specific facility subject to on-site verification pursuant to the Convention.

Host Team (HT) – The U.S. Government team that accompanies the Inspection Team from the OPCW during a CWC inspection.

Initial Inspection – The first inspection of a Schedule 1 or Schedule 2 declared facility or plant site by the Inspection Team to verify the declaration and to develop a Draft Facility Agreement.

Inspection Team (IT) – A group of inspectors from the OPCW sent to conduct an inspection.

Organization for the Prohibition of Chemical Weapons (OPCW) – the international organization located in The Hague, Netherlands, that administers the CWC.

Plant – A relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as:

- 1) Small administrative area;
- 2) Storage/handling areas for feedstock and products;
- 3) Effluent/waste handling/treatment area;
- 4) Control/analytical laboratory;
- 5) First aid service/related medical section; and
- 6) Records associated with the movement into, around, and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.

Plant site – The local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as;

- 1) Administration and other offices;
- 2) Repair and maintenance shops;
- 3) Medical center;
- 4) Utilities;
- 5) Central analytical laboratory;
- 6) Research and development laboratories;
- 7) Central effluent and waste treatment area; and
- 8) Warehouse storage.

Routine Inspection – Inspections at declared Schedule 3 and Unscheduled Discrete Organic Chemical plant sites, and Schedule 1 and Schedule 2 inspections conducted after the initial inspection, to continue verification of annual declarations and to ensure compliance with the CWC. These inspections are conducted in accordance with the Facility Agreement in the case of Schedule 1 facilities and Schedule 2 plant sites.

CHEMICAL WEAPONS CONVENTION OVERVIEW

CHEMICAL WEAPONS CONVENTION

The Chemical Weapons Convention (CWC or Convention) is a multilateral treaty that prohibits the development, production, acquisition, stockpiling, transfer, and use of chemical weapons, and requires the destruction of existing chemical weapons facilities and production plants, as well as stocks of weapons, toxins, and ancillary equipment. Each signatory to the Convention or "State Party" has the right, subject to the provisions of the Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under the Convention (e.g., industrial, agricultural, research, medical pharmaceutical, etc.). The Organization for the Prohibition of Chemical Weapons (OPCW) is the implementing body of the CWC. The Convention sets forth a verification regime that subjects government and industrial sites to on-site inspections to verify compliance. The Convention was ratified by Congress on April 25, 1997 and entered into force on April 29, 1997.

SCHEDULES OF CHEMICALS

Chemical agents and their precursors are monitored under the CWC. They have been divided into three schedules, or lists, roughly based on the degree of commercial use.

Schedule 1 chemicals have been developed, produced, stockpiled or used as chemical weapons, or their precursors, and have virtually no commercial use. Your declared facility is subject to inspection if it produced in excess of 100 grams aggregate of Schedule 1 chemicals in the previous calendar year (15 CFR Part 716.1(b)(1)).

Schedule 2 chemicals are chemicals that could be used as immediate precursors to chemical weapons agents, and have limited commercial use. Your declared plant site is subject to inspection if one or more plants on your plant site produced, processed or consumed in excess of (i) 10 kilograms (kg) of BZ; (ii) 1 metric ton of chemical PFIB or Amiton (and corresponding alkylated or protonated salts) or; (iii) 10 metric tons of any chemical listed in Part B of Schedule 2 (15 CFR Part 716.1(b)(2)).

Schedule 3 chemicals have been previously stockpiled as chemical weapons or their precursors, can be used to produce one or more Schedule 1 or 2 chemicals, and have significant commercial use. Your declared plant site is subject to inspection if one or more plants on your plant site produced during a specified calendar year in excess of 200 metric tons aggregate of any Schedule 3 chemical (15 CFR Part 716.1(b)(3)).

There are also facilities that produce unscheduled discrete organic chemicals (UDOCs). UDOCs and their exceptions are described in 15 CFR Parts 710.1 and 715.1 respectively. Your declared plant site is subject to inspection if it produced by synthesis during the previous calendar year more than 200 metric tons aggregate of UDOCs (15 CFR Part 716.1(b)(4)).

COMPLIANCE

BXA has three objectives during an inspection: (i) to protect confidential business information disclosed to the U.S. Government, to the OPCW, or other States Parties, to the maximum extent permitted by law, (ii) to minimize costs and burdens on the facility and (iii) to demonstrate compliance with the Convention.

ADVANCE PLANNING

To minimize the impact on your operations, you are encouraged to put forth a planning effort to assist in facilitating an inspection. Your advance planning should focus on completing your declarations, preparing a pre-inspection briefing (PIB), and identifying Confidential Business Information (CBI).

DECLARATIONS

Declarations are to be prepared in accordance with the Chemical Weapons Convention Regulations (15 CFR Parts 712-715). Assistance in preparing your declarations may be obtained through the BXA Information Technology Team (see **HOW TO GET HELP**). The data contained in the declarations your facility submits to BXA will be put into the format required by the OPCW, and then will be submitted to the U.S. National Authority for transmission to the OPCW. For Schedule 1 and Schedule 2 facilities subject to

inspection, BXA will provide your facility a copy of the OPCW declaration. The Inspection Team will use this declaration during on-site inspections. A main focus of the inspections will be on the data and records upon which the declaration was based. The records and calculations utilized to produce the data declaration will need to be readily available and clearly explainable for the Inspection Team. This will help to minimize the impact on the facility by assisting the Host Team and the Inspection Team in performing a timely and accurate review for verification of the declaration.

PRELIMINARY DRAFT FACILITY AGREEMENT

BXA will use the Preliminary Draft Facility Agreement (PDFA) to initiate negotiations of a Draft Facility Agreement (DFA) on-site. The final Facility Agreement is negotiated in The Hague. This agreement will establish the conduct of future routine inspections. Although facility preparation of a PDFA is not addressed it would be helpful if the facility could prepare supporting information as part of the preparation for inspections. Site-specific information is needed to complete the agreement. Model Facility Agreements for Schedule 1 and Schedule 2 facilities are provided in the CWCR (15 CFR Part 716 Supplements 2 and 3) and should serve as the basis of and starting point for preparation of a PDFA. Facility Agreements for Schedule 3 and UDOC plant sites will be completed at the request of the site representative, but are not required.

A critical portion of the PDFA is Attachment 2 – Health and Safety Requirements and Procedures. This attachment could impact the conduct of the inspection by placing requirements on the teams. These requirements should be carefully planned to ensure the inspection is not unduly impacted. Examples of such requirements may be identifying limited or no access to parts of the declared facility due to safety concerns, or requiring the use of protective equipment that may require respirator fit testing.

The matrix at Annex 1 identifies attachments that may be completed prior to the arrival of the inspection team, attachments that should be thought out to form a position prior to arrival of the inspection team, and attachments that cannot be completed until the inspection has begun.

PRE-INSPECTION BRIEFING

The facility is required to provide a pre-inspection briefing (PIB) in accordance with the CWCR (15 CFR Part 716.4(c)). The facility should prepare a briefing that introduces the Inspection Team to the site, and specifically, to the records and the operations that can verify the information contained in the declaration. A suggested format for this briefing can be found in Annex 2 of this handbook. Note that some topics are mandatory while others are optional. Providing the optional information may be helpful to the Host Team but is not required.

CONFIDENTIAL BUSINESS INFORMATION

The U.S. Government will protect confidential business information (CBI) disclosed to the OPCW, or other States Parties to the maximum extent permitted by law; however, the burden of identifying CBI rests with the facility. Information not identified by the facility to the Host Team as CBI will not be handled as such. Refer to 15 CFR Part 718 for additional information on the handling of CBI.

Your facility may wish to categorize CBI as follows:

Category 1: Disclosed (i.e., data declaration) or may be disclosed voluntarily to meet the specific aims of an inspection.

Category 2: May be relevant to the aims of an inspection but the company would prefer not to disclose.

Category 3: Unrelated to the aims of an inspection and should not be disclosed.

Your facility should employ practices that protect CBI during an inspection. Protective measures include:

- Redacting CBI not related to the inspection from records,
- Removing sensitive papers from areas that the inspection team may have access to,
- Shrouding equipment that may be sensitive to the process,
- Logging-off computers to ensure information is not inadvertently disclosed,
- Limiting the number of inspectors granted access to certain areas,
- Defining inspection routes so as to avoid sensitive areas;

- Allowing random and selective access (such as access to sampling data).

PROPOSED INSPECTION PLAN

Preparation of a proposed inspection plan is optional. However, this plan will allow the facility and Host Team to better manage their resources during the inspection by organizing the various inspection activities. You may choose to prepare a proposed inspection plan. The Host Team will recommend this plan for use by the Inspection Team. The Inspection Team may use this plan, data from the declaration, and the information from the pre-inspection briefing to refine its own inspection plan. An example of activities for an inspection plan can be found in Annex 2.

SITE ASSISTANCE VISITS

Your facility may request a Site Assistance Visit (SAV) from the BXA Inspection Management Team (see **HOW TO GET HELP**). The facility does not have to reimburse BXA for a SAV. BXA will prioritize requests based on anticipated inspections. Specific topics of a SAV can be found in Annex 3 of this handbook.

INSPECTION OVERVIEW

Inspection activities will consist of an inspection notification, advance team activities, the actual inspection, and a post-inspection/recovery period. There is no pass or fail grade from the Inspection Team. The Inspection Team is performing the inspection to verify the declared data, verify the absence of undeclared Schedule 1 chemicals, verify that scheduled chemicals are not being diverted, determine the risk that the declared facility poses to the object and purpose of the CWC, and to negotiate a Draft Facility Agreement (if applicable).

INSPECTION NOTIFICATION

Written notification to the plant site of an initial or routine inspection will be given within 6 hours, or as soon as possible, after the U.S. National Authority is notified by the OPCW.

BXA will provide Host Team notification to the facility of the upcoming inspection as soon as possible. A list of Host Team notification activities can be found at Annex 4 of this handbook. A copy of the Host Team Notification letter is provided in Annex 4a.

Timeframes for OPCW notifications to the US Government will be as follows:

Inspection Type	Schedule 1	Schedule 2	Schedule 3	UDOCs
Initial	72 hrs prior to arrival in US	48 hrs prior to arrival at facility	N/A	
Routine	24 hrs prior to arrival in US	48 hrs prior to arrival at facility	120 hrs prior to arrival at facility	

ADVANCE TEAM ASSISTANCE

BXA will dispatch an Advance Team to the vicinity of the inspection site prior to the arrival of the Inspection Team for administrative and logistical purposes. The Advance Team will be available to assist the site in preparing for the inspection. The preparation will include providing advice and assistance for the pre-inspection briefing, review or preparation of the inspection plan and the PDFA, preparation for records review and personnel interviews, and preparation of the facility for inspection. Advance Team activities are very similar to the Site Assistance Visit, although the timeframe is much shorter. A list of Advance Team activities can be found at Annex 3 of this handbook.

INSPECTION ACTIVITIES

You may choose to prepare a proposed inspection plan. The Host Team will recommend this plan for use by the Inspection Team. The Inspection Team may use this plan, data from the declaration, and the information from the pre-inspection briefing to refine its own inspection plan. An outline of inspection activities can be found at Annex 5 of this handbook.

Schedule 1 Inspections –No maximum duration for an initial inspection is specified.

The duration and frequency of routine inspections will be identified in the Facility Agreement.

During initial and routine inspections, inspectors will verify:

- The facility is not used to produce any Schedule 1 chemical other than what is declared.
- The quantities of Schedule 1 chemicals produced, processed or consumed are correctly declared and consistent with needs for the declared purpose.
- The Schedule 1 chemical is not diverted or used for other purposes.

During initial inspections, the Host Team and the Inspection Team will develop a Draft Facility Agreement for the conduct of subsequent (routine) inspections.

Schedule 2 Inspections –The maximum duration of initial and routine inspections will be 96 hours unless extended by the Host Team in consultation with the site. The frequency of inspections will be no more than two per calendar year per plant site.

During initial and routine inspections, inspectors will verify:

- The absence of any non-declared Schedule 1 chemical, especially its production.
- Consistency with declared levels of production, processing or consumption of Schedule 2 chemicals.
- Non-diversion of Schedule 2 chemicals for activities prohibited under the Convention.

During initial inspections, the Host Team and the Inspection Team will develop a Draft Facility Agreement for the conduct of subsequent (routine) inspections.

Schedule 3 Inspections –The maximum duration of routine inspections will be 24 hours unless extended by the Host Team in consultation with the site. The frequency of routine inspections will be no more than two per calendar year per plant site. The maximum number of Schedule 3 and UDOC inspections, combined, in the United States will be 20

per year.

During the inspection, inspectors will verify that activities are consistent with the information provided in declarations and the absence of any non-declared Schedule 1 chemicals. The Host Team and the Inspection Team may develop a Draft Facility Agreement to serve as a blueprint for the conduct of subsequent inspections if requested by the plant site.

Unscheduled Discrete Organic Chemicals (UDOCs) –The maximum duration of routine inspections will be 24 hours unless extended by the Host Team in consultation with the site. The frequency of inspections will be no more than two per calendar year per plant site. The maximum number of Schedule 3 and UDOC inspections combined in the United States will be 20 per year.

POST INSPECTION ACTIVITIES

The facility is required in the CWCR to submit total costs related to the inspection to BXA within 90 days of the completion of the inspection. These costs should include time spent by personnel to participate in the inspection, administrative and legal costs, impacts on production (if any), and any other costs directly related to the inspection.

The U. S. National Authority and Department of Commerce will negotiate a final Facility Agreement with the OPCW. These discussions will take place in The Hague, Netherlands. The facility has the right to participate in the negotiations to the maximum extent practicable. The facility will be notified of any substantial changes from the DFA and BXA will consider its comments prior to approving a final FA. A copy of the final Facility Agreement will be transmitted to the facility upon its completion.

ANNEX 1

SCHEDULE 1 AND 2

PRELIMINARY DRAFT FACILITY AGREEMENT MATRIX

ATTACHMENT NUMBERS		ATTACHMENT (Refer to 15 CFR Part 716 Supplements No.'s 2 and 3)	MAY BE COMPLETED PRIOR TO INSPECTION	SHOULD DEVELOP A POSITION PRIOR TO INSPECTION	CAN BE COMPLETED AFTER START OF INSPECTION
SCHEDULE 1	SCHEDULE 2				
1	1	General Factors for the Conduct of Inspections	X		
2	2	Health and Safety Requirements and Procedures	X (critical)		
3	3	Specific Arrangements in Relation to the Protection of Confidential Information at the Facility or Plant Site			X
4	4	Arrangements for the Inspection Team's Contacts with the Media or the Public	X	X	
5	5	Inspection Equipment		X	
6	6	Information on the Facility or Plant Site Provided in Accordance with Section 6 of the Model Facility Agreement	X		
7	7	Arrangements for Site Tour	X		
	8	Access to the Plant Site in Accordance with Section 7.2 of the Model Facility Agreement	X (critical)		
8	9	Records Routinely Made Available to the Inspection Team at the Facility or Plant Site		X	
9	10	Sampling and Analysis for Verification Purposes		X	
10	11	Administrative Arrangements		X	
11	12	Agreed Procedures for Conducting Interviews		X	
12	13	Agreed Procedures for Photography		X	

ANNEX 2

GUIDANCE FOR PRE-INSPECTION BRIEFING

Topics

- Plant site safety and alarms
 - Identify the necessary protective equipment needed in areas of the facility or plant site.
 - Instruct the Inspection Team and Host Team on emergency procedures to be followed including:
 - ❖ alarms/signals
 - ❖ routes and exits
 - ❖ personnel accountability
 - ❖ location of assembly points/emergency shelters
 - ❖ location of medical facilities
 - Identify areas of the plant site or facility for which access is limited or not allowed due to health or safety reasons. Be prepared to explain to the Host Team and Inspection Team.

- Activities, business and manufacturing operations
 - Identify the type of business the facility is involved in.
 - Identify any activities and manufacturing operations at the site that will not be subject to inspection. These may or may not be declared or inspectable and may or may not include scheduled or unscheduled chemicals.
 - Identify other scheduled chemicals present at the facility.

- Physical layout
 - This could be an overall view of the facility to familiarize the teams with the site layout. It can be an aerial photograph with some reference points or landmarks.
 - Include administrative areas, locations of buildings, latitude/longitude measurement point, approved means of entry and exit, emergency escape routes, assembly locations, emergency shelters, facility tour route, etc.

- Delimitation of declared areas
 - Identify the area of the declared plant site (or facility in the case of Schedule 1) and the declared plant. The delineation of these items will dictate the access allowed the Inspection Team. The smaller the declared area, the more restricted the access of the Inspection Team will be. Keeping the declared area as small as possible will help prevent questions not relevant to the inspection.
 - Refer to 15 CFR Part 710 for the definition of facility, plant site and plant.
- Scheduled chemicals/chemistries
 - Identify the scheduled or unscheduled chemicals in the declaration.
 - Identify the associated chemistry of the production, processing or consumption of these chemicals.
 - **AVOID THE USE OR DISCLOSURE OF CONFIDENTIAL BUSINESS INFORMATION IF AT ALL POSSIBLE**
- Process flow
 - Use a block flow diagram to orient the teams to the process for the visual portion of the inspection.
 - Avoid detailed diagrams of the process showing information such as flow rates, operating conditions, or yields.
 - **AVOID THE USE OF CONFIDENTIAL BUSINESS INFORMATION IF POSSIBLE.**
- Units specific to declared operations
 - Break the process into unit operations, again avoiding detailed diagrams and the use of confidential business information.
- Administrative and logistic information
 - Identify locations of bathrooms, Inspection Team meeting room (if provided on-site), facility work hours and whether these will also be the inspection work hours, arrangements for meals (if provided by the facility), means of transportation in and around the facility, etc.

- Identify badging requirements and procedures and any other security or accountability issues.

Optional Information

- Introduction of key facility personnel
 - List only those personnel that may be involved in the inspection activities. The facility may choose to provide functional titles rather than organizational titles. **DO NOT PROVIDE TELEPHONE NUMBERS OF THESE PERSONNEL.**
 - Suggested list of function areas to cover
 - ❖ Decision maker for CBI and access issues
 - ❖ Technical point of contact/liaison
 - ❖ Documentation expert or point of contact
 - ❖ Escorts
 - Physical/visual inspection
 - Records Review
 - ❖ Legal, public affairs, other support as needed
- Management, organization and history
- Confidential business information concerns
 - Indicate in non-specific terms the equipment, documentation, or areas that are considered sensitive and not related to the purpose of the inspection.
- Types and locations of records/documents
 - Identify types of records/documents that support the declaration.
 - Identify the location of records/documents.
 - Discuss the media to be reviewed, e.g., electronic, paper, microfiche, etc.
- Declaration updates/revisions
 - Identify any changes or amendments that need to be made to the data declaration.

- Preliminary Draft Facility Agreement (PDFA), if applicable
 - Present the PDFA to the Inspection Team. This is required for Schedule 1 and 2 facilities.

- Proposed inspection plan
 - Generally identify when the plant is available, when records are available, when key personnel are available, etc.
 - The following is a suggested format without the delineation of times for each event:
 - ❖ Site Familiarization Tour (windshield tour)
 - ❖ Declared Facilities
 - ❖ Common Infrastructure
 - ❖ Documentation Review
 - ❖ Preliminary Factual Findings Report
 - ❖ DFA negotiations

ANNEX 3

SITE ASSISTANCE VISIT/ ADVANCE TEAM ACTIVITIES TOPICS

- Discuss inspection activities
 - BXA's role
 - Expectations from the site
 - Methodology
 - Team composition
 - Review the inspection mandate (Advance Team (AT) activity only)
 - Overview of inspection activities
 - Policies on interviews, records, photographs, etc.
 - Relationship between site and national escorts
 - Sub-group operations
 - Site escort briefing
 - Operational impact
 - Counter Intelligence Briefing
- Assessment of site preparation efforts
 - Receive site briefing
 - Determine site needs and assess preparation efforts
 - Ensure data declaration is current and ensure a copy of the OPCW data declaration is available
 - Review delimitation of declared area
 - Review site diagram
 - Review block flow and process flow diagrams
 - Discuss definition of CBI, CBI concerns, and address how to handle concerns
 - Establish inspection work hours (AT activity only)
- Review inspection notification activities (SAV only)
- Discuss various issues
 - Legal: consent for access to the site, PDFA, interview support, individual rights, contractual issues, if they exist, etc.
 - Security: badging requirements, security procedures, protection of sensitive areas, etc.

- Review documentation
 - PDFA
 - Documentation used to develop data declaration
 - PIB
 - Methods for addressing CBI
 - Discuss providing paper copies of PIB to Inspection Team
 - Discuss proposed Inspection Plan (AT activity only)
- Safety
 - Personnel protective equipment requirements
 - Issues limiting use of certain equipment
 - Medical surveillance requirements
 - Availability of facility's personnel protective equipment for the Host Team and the Inspection Team
- Reconnaissance of the plant site
 - Review delimitation of declared area
 - Review site diagram
 - Review block flow and process flow diagrams
 - Verify latitude/longitude measurements
 - Discuss potential inspection questions
 - Review tour route
 - Train site escorts (AT activity only)
- Public Affairs
 - Review site's public affairs procedure
 - Discuss BXA guidance
- Administration and Logistics
 - **YOUR FACILITY IS UNDER NO OBLIGATION TO PROVIDE THIS SUPPORT (However, this is highly desirable to facilitate a smooth and timely inspection).**
 - Discuss communications capabilities both on- and off-site.
 - Determine whether secured work areas and equipment storage are available for use during the inspection. Note that the Inspection Team may want to place seals on their assigned work and storage areas that may damage finished surfaces or leave a residue.

- Discuss whether the team transportation (typically vans) can be brought on-site or if other transportation is required and available.
- Discuss the facility's ability and willingness to provide the use of copy and facsimile machines.
- Discuss whether the midday meal can be arranged for and provided by the facility (to be reimbursed by the U.S. Government).

ANNEX 4

INSPECTION NOTIFICATION ACTIVITIES

- Notification of Inspections to the U.S. from OPCW
 - Schedule 1
 - ❖ Initial – not less than 72 hours in advance of estimated time of arrival into the U.S.
 - ❖ Routine – not less than 24 hours in advance of the planned arrival into the U.S.
 - Schedule 2
 - ❖ Initial and Routine – not less than 48 hours before arrival at the plant site
 - Schedule 3 and UDOC
 - ❖ Initial and Routine – not less than 120 hours before arrival at the plant site
- U.S. National Authority will provide written notification to the plant site within 6 hours of notification from OPCW
- Upon receipt of notification from OPCW, BXA will:
 - Attempt to make telephone contact with the plant site
 - Transmit, via facsimile, the Host Team requesting the site to consent to Inspection Team access to the facility. BXA will also transmit the “Facility Immediate Preparation Activities Guidance” which should assist in preparation for the upcoming inspection.
 - Allow 4 hours for response to facsimile
 - ❖ If response is not received or if consent is not given, dispatch a team to obtain an administrative warrant.
 - ❖ Provide, via facsimile, the “Facility Immediate Preparation Activities Checklist” to assist the site in preparing for the inspection.
 - ❖ Dispatch Advance Team, unless assistance is declined by the facility.

ANNEX 4a

HOST TEAM NOTIFICATION OF CHEMICAL WEAPONS CONVENTION (CWC) INSPECTION & REQUEST FOR CONSENT

From: [Name] _____
Advance Team Leader
Treaty Compliance Division

Date & Time: _____
Phone: 703-605-4400
Fax: 703-605-4425

To: Inspection Point of Contact _____
Name of Facility _____
Address of Company _____
Phone/Fax Number Phone: _____ Fax: _____

NOTIFICATION. The Department of Commerce hereby provides Host Team notification that the Organization for the Prohibition of Chemical Weapons (OPCW) has selected your facility, _____, located at _____, to receive an inspection commencing on or about _____ (date). A copy of the OPCW's notification of inspection is attached.

The Department of Commerce will act as host and escort for this inspection, which will be conducted in accordance with the CWC Regulations (CWCR) (64 Fed.Reg. 73744) administered by the Bureau of Export Administration. This Host Team notification supplements the notice and authorization for the inspection provided separately to you by the United States National Authority (USNA) pursuant to the CWC Implementation Act of 1998 (the "Act") (22 U.S.C. 6701 et seq.). Please confirm your receipt of the USNA's notice directly with the Department of State.

CONSENT TO INSPECTION. As an authorized representative of the owner, operator, occupant or agent-in-charge of this facility, please indicate whether you consent to this inspection (see CWCR sec. 716.4(b)(2), which describes the scope of consent). If you do not consent or do not return this form by fax to 703-605-4425 within **4 hours** of receipt, the U.S. Government will seek an administrative warrant (see sec. 305 of the Act).

I consent to this inspection:

check & sign here, _____
print name _____
and title _____

INSPECTION PREPARATION ASSISTANCE. The Department of Commerce will dispatch an Advance Team to your area immediately to assist in administrative and logistical preparations for the inspection team's arrival. Please indicate whether you request Advance Team assistance, at no cost to your facility, in preparing for the inspection.

I request Advance Team assistance with inspection preparations at my facility:

check & sign here, _____
print name _____

CONFIRMATION OF RECEIPT AND ADDITIONAL INFORMATION. The Department of Commerce requests that you **acknowledge receipt and return this form via facsimile within 4 hours of receipt** or as soon as possible. We will follow up with further information on the inspection team's estimated time of arrival at your facility and materials to help you prepare for the inspection, including a CWC Industry Inspection Preparation Handbook. Thank you for your cooperation.

I have received and read this notification.

check & sign here, _____
print name _____
date & time of receipt _____

Attachment – OPCW Notification of Inspection

ANNEX 5

INSPECTION ACTIVITIES

- Facility provides PIB to Inspection Team – Maximum 3 hours (not included in inspection time)
- Proposed inspection plan presented to the Inspection Team
- Inspection officially commences
- Inspection Team and Host Team negotiate the Inspection Plan
- General tour of plant site (“windshield tour”)
- Creation of sub-teams (typically two sub-teams as shown below)
 - Sub-team #1 – Visual Inspection, could include:
 - areas where feed chemicals are delivered or stored
 - areas where processes are performed
 - follow process lines
 - external aspects of reaction vessels and other process equipment
 - control equipment
 - areas for waste handling
 - areas for disposition of off-spec chemicals
 - Sub-team #2 – Documentation Verification, could include:
 - sampling data
 - mass balance
 - feedstock invoices
 - production logs
 - THE INSPECTION TEAM MAY REQUEST THAT COPIES OF CERTAIN DOCUMENTS BE PLACED IN A LOCKED BOX THEY WILL PROVIDE. THIS LOCKED BOX WILL NEED TO BE MAINTAINED AT YOUR FACILITY TO ALLOW ACCESS TO INFORMATION FOR ROUTINE INSPECTIONS BY FUTURE INSPECTION TEAMS.
- Draft Facility Agreement negotiations between the Inspection Team and the Host Team, in consultation with your facility representative

- Inspection activities completed
- Preliminary Factual Findings presented to the Host Team by the Inspection Team (meeting takes place within 24 hours of completion of inspection activities). Your facility representative may be asked to assist in clarifying questions raised in this document.